

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MIGUEL VILLANUEVA, also known as
MIGUEL FONTANEZ,

Plaintiff,

vs

9:08-CV-1139

V. BALDWIN, Nurse Administrator; and
JON MILLER, M.D., Facility Health Service
Director, both of Cossackie Correctional Facility,

Defendants.

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APPEARANCES:

MIGUEL VILLANUEVA  
3490909163  
aka Fontanez  
AMKC  
18-18 Hazen Street  
East Elmhurst, NY 11370

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, New York 12224

JUSTIN C. LEVIN, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Miguel Villanueva, aka Miguel Fontanez, commenced this civil rights action in October 2008, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated February 4, 2010, the Honorable David R. Homer, United States Magistrate Judge, recommended that

defendants' motion for summary judgment be granted and that judgment be granted to both defendants on all claims. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the file, and the recommendations of Magistrate Judge Homer, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

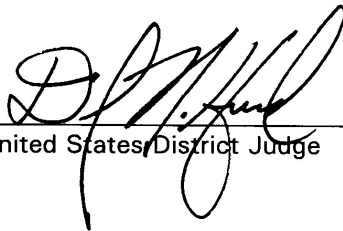
Accordingly, it is

ORDERED that

1. Defendants'; motion for summary judgment (Docket No. 22) is GRANTED;
2. Judgment is GRANTED to both defendants on all claims; and
3. The Clerk is directed to file judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: March 11, 2010  
Utica, New York.

  
United States District Judge